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In re Application of :  
TAYLOR et al. :  
Application No.: 09/744,613 :  
PCT No.: PCT/US99/16968 : DECISION ON  
Int. Filing Date: 28 July 1999 :  
Priority Date: 28 July 1998 : 37 CFR 1.42 PAPERS  
Attorney Docket no.: P/3501-9 :  
For: ENHANCEMENT OF PROFILED TUBULAR :  
LINING SYSTEMS BY CHANNEL AUGMENTATION :

This is a decision on the submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) along with an executed declaration for the above referenced application. This submission was filed on 28 May 2002 almost three months after the two month period of time (09 March 2002) within which to respond to the previous decision. Thus, a three month extension of time is required. The fee of \$460 (small entity) is required and charged to applicant's deposit account per his authorization.

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**BACKGROUND**

On 26 January 2001, applicants filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee and a Preliminary Amendment.

On 13 February 2001, a Notification of Missing Requirements was mailed to applicants indicating that an executed oath or declaration was required along with a \$130 surcharge for filing the oath or declaration after the thirty month period.

On 19 March 2001, in order to satisfy the requirement that an oath or declaration of the inventors be furnished, applicants also filed a declaration that was signed by applicant/inventor Jack Curtis Taylor, Louise F. Roach as "executrix" for inventor Max Jerry Roach (deceased). Applicants also filed the Last Will and Testament of Max Jerry Roach.

On 20 July 2001, a decision was mailed indicating that the declaration, although signed by Louise Roach, the legal representative of the deceased inventor, failed to provide her country of citizenship, residency and mailing address respectively. See 37 CFR 1.64.

On 20 September 2001, applicants filed a new declaration. A decision mailed on 09 January 2002 indicated that the declaration was unacceptable because it was not signed by Louise F. Roach, but was signed by Stephen R. Roach for Louise F. Roach. Stephen Roach was not identified as the legal representative of the deceased inventor.

On 28 May 2002, applicants filed a new declaration signed by legal representative Louise F. Roach as legal representative of deceased inventor, Max Jerry Roach.

### DISCUSSION

The declaration submitted on 28 May 2002 identifies Louise F. Roach as the "executrix of the estate of [applicant/inventor] Max Jerry Roach". The declaration states the country of citizenship, residency and mailing address for the deceased inventor and his legal representative in compliance with 37 CFR 1.497(a)(3) and b(2). Thus, the declaration is now acceptable.

Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

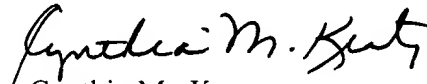
### CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is presently **GRANTED**.

The application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is **28 March 2002**.



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